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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 KEITH DILLMAN,

No. CIV S-05-0645-WBS-CMK

12 Plaintiff,

13 vs.

ORDER

14 JO ANNE B. BARNHART,
Commissioner of Social Security,

15 Defendant.
16 _____/

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18 Plaintiff, who is proceeding with retained counsel and in forma pauperis, brought
19 this action for judicial review of a final decision of the Commissioner of Social Security pursuant
20 to 42 U.S.C. § 405(g). The matter was referred to a United States Magistrate Judge pursuant to
21 Local Rule 72-302(c)(21).

22 On May 3, 2005, the magistrate judge filed a scheduling order requiring, among
23 other things, that plaintiff complete service of process and serve a copy of the scheduling order on
24 defendant. within 20 days from the filing of the complaint, and that within ten days after completing
25 service of process plaintiff file with the clerk a certificate reflecting such service. Plaintiff failed to file
26 any certificate in accordance with that order. On September 21, 2005, the magistrate judge issued

1 an Order to Show Cause giving plaintiff 20 days to show cause in writing why this action should
2 not be dismissed for lack of prosecution and failure to comply with rules and court order. See
3 Local Rule 11-110. Plaintiff failed to respond to the Order to Show Cause.

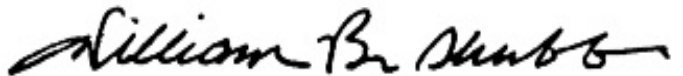
4 Therefore, on October 21, 2005, the magistrate judge filed Findings and
5 Recommendations recommending that this action be dismissed. Those Findings and
6 Recommendations were served on plaintiff's attorney and contained notice that any objections to
7 the findings and recommendations were to be filed within ten days. Plaintiff has not filed
8 objections to the findings and recommendations.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. On or before December 12, 2005, plaintiff's attorney file with the court
11 either a written opposition to the findings and recommendations of the magistrate judge or a
12 written statement of non-opposition to the dismissal of this action; and

13 2. If plaintiff's counsel does not file a written statement in accordance with
14 the preceding paragraph, she shall **appear personally** in Department 5 of this court at 9:00 a.m.
15 on December 19, 2005 for status conference.

16 DATED: December 5, 2005

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18 WILLIAM B. SHUBB
19 UNITED STATES DISTRICT JUDGE
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